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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,756	11/19/2003	Robert D. Galli	E001 P00759-US1	6193
3017	7590	02/23/2005	EXAMINER	
BARLOW, JOSEPHS & HOLMES, LTD. 101 DYER STREET 5TH FLOOR PROVIDENCE, RI 02903			PAYNE, SHARON E	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/716,756

Applicant(s)

GALLI, ROBERT D.

Examiner

Sharon E. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6, 7-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Stimson (U. S. Patent 1,990,504).

Regarding claim 1, Stimson discloses a flashlight. The flashlight includes a mounting board (reference number 56) having an upper side and a lower side (Fig. 1), a lighting element (reference number 44) having an output end (Fig. 1, top of lighting element) and first and second contact leads extending therefrom (helical elements on the side of the lighting element and the bottom of the lighting element, Fig. 1), the lighting element mounted to the upper side of the mounting board (Fig. 1), a first electrical contact (reference numbers 58 and 60) on the upper side of the mounting board concentric to the lighting element (Fig. 1), the first electrical contact in thermal and electrical communication with the first contact lead of the lighting element (Fig. 1), a second electrical contact (reference number 66) on the mounting board in electrical communication with the second contact lead of the lighting element (Fig. 1), and a receiver sleeve (reflector, reference number 48) having a tail section at one end thereof (threaded bottom portion of the reflector, Fig. 1), the receiver sleeve being electrically and thermally conductive (page 2 in column 1, lines 37-41, and Fig. 1), the tail section

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being received around the output end of the lighting element (Fig. 1), making electrical and thermal contact with the first electrical contact to provide both a thermally conductive path to dissipate heat from the lighting element and an electrically conductive path to the first electrical contact (Fig. 1). (The thermal conductivity of the receiver sleeve, or reflector, is considered to be inherent, since electrically conductive reflectors were made of metal in 1935, and the reflector is in direct contact with the light source.)

Concerning claims 3 and 11, Stimson discloses the tail portion of the receiver sleeve (reference number 48) surrounding the output end of the lighting element providing a thermal barrier to absorb radiant heat from the lighting element (Fig. 1).

Regarding claim 6, Stimson discloses the receiver sleeve (reference number 48) further comprising a second end opposite the tail portion (Fig. 1, top), and means for controlling the light output from the output end of the lighting element (lens, reference number 14), the means coupled to the second end of the receiver (Fig. 1).

Concerning claims 7 and 8, Stimson discloses a tubular housing (reference number 42), the housing being electrically and thermally conductive (page 2, column 1, lines 32-36 and Fig. 1), the mounting board (reference number 56), the lighting element (reference number 44) and receiver sleeve (reference number 48) received in one end thereof (Fig. 1), the receiver sleeve in electrical and thermal communication with the tubular housing (Fig. 1). (The thermal conductivity of housing is considered to be inherent, since electrically conductive housings were made of metal in 1935, and the housing is in direct contact with the receiver sleeve.)

Regarding claim 9, Stimson discloses a flashlight. The flashlight includes a mounting board (reference number 56) having an upper side and a lower side (Fig. 1), a lighting element (reference number 44) having an output end (Fig. 1, top of lighting element) and first and second contact leads extending therefrom (helical elements on the side of the lighting element and the bottom of the lighting element, Fig. 1), the lighting element mounted to the upper side of the mounting board (Fig. 1), a first electrical contact (reference numbers 58 and 60) on the upper side of the mounting board concentric to the lighting element (Fig. 1), the first electrical contact in thermal and electrical communication with the first contact lead of the lighting element (Fig. 1), a second electrical contact (reference number 66) on the mounting board in electrical communication with the second contact lead of the lighting element (Fig. 1), and a receiver sleeve (reflector, reference number 48) having a tail portion at one end thereof (threaded bottom portion of the reflector, Fig. 1), the receiver sleeve being electrically and thermally conductive (page 2 in column 1, lines 37-41, and Fig. 1), the tail portion being received around the output end of the lighting element (Fig. 1), making electrical and thermal contact with the first electrical contact to provide both a thermally conductive path to dissipate heat from the lighting element and an electrically conductive path to the first electrical contact (Fig. 1), a tubular housing (reference number 42), the housing being electrically and thermally conductive (page 2, column 1, lines 32-36 and Fig. 1), the mounting board (reference number 56), the lighting element (reference number 44) and receiver sleeve (reference number 48) received in one end thereof (Fig. 1), the receiver sleeve in electrical and thermal communication with the

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tubular housing (Fig. 1). (The thermal conductivity of housing is considered to be inherent, since electrically conductive housings were made of metal in 1935, and the housing is in direct contact with the receiver sleeve.) (The thermal conductivity of the receiver sleeve, or reflector, and tubular housing is considered to be inherent, since electrically conductive articles were made of metal in 1935, and the reflector is in direct contact with the tubular housing.)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson in view of St. Claire (U.S. Patent 6,168,288 B1).

Regarding claims 2 and 10, Stimson does not disclose a light emitting diode. St. Claire discloses the lighting element as a light emitting diodes (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the light source of Stimson with the LED of St. Claire to provide a light source with a longer useful life. See column 1, lines 20-25, of St. Claire.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson in view of Yee (U.S. Patent 6,160,355).

Regarding claim 4, Stimson discloses the upper side of the mounting board being in electrical communication with the second contact lead of the lighting element (bottom of lighting element) and the second contact on the mounting board (reference number 66, Fig. 1). Stimson does not disclose the control circuitry.

Yee discloses the control circuitry mounted on the upper side of the mounting board (Figs. 8A-8C) and adjacent the lighting element (reference number 90, Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the control circuitry of Yee in electrical communication with the second contact lead of the lighting element of Stimson so that the "flashlight can exhibit a variety of selectable flashing patterns of variable intensity." See column 1, lines 27-28, of Yee.

Concerning claim 5, Stimson discloses the tail portion of the receiver sleeve (reflector, reference number 48) surrounding the output end of the lighting element (Fig. 1), providing a thermal barrier to absorb radiant heat from the lighting element and conduct the heat away from the mounting board (Fig. 1). (Yee discloses the control circuitry for the reasons specified in claim 4.)

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sep



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800